

CAPITAL AREA COUNCIL OF GOVERNMENTS REQUEST FOR PROPOSALS FOR OLDER AMERICANS ACT SERVICES FOR FISCAL YEARS 2024 AND 2025

Revised 7/3/2023

General Information

The Capital Area Council of Governments (CAPCOG) is a regional planning commission and political subdivision of the State of Texas organized and operating under the Texas Regional Planning Act of 1965, as amended, Chapter 391 of the Local Government Code and is requesting proposals from qualified providers for Older American Act Services of congregate meals and home delivered meals, and senior center operations.

Schedule

Table 1. RFP Schedule

Milestone	Date
RFP Issued	6/10/2023
Bidder's Meeting (via Microsoft Teams)	6/28/2023, 10:00 am Central Time
Letter of Intent Due; Deadline for Request for Information	7/7/2023, 4:00 pm Central Time
Deadline for Questions	7/12/2023, 4:00 pm Central Time
Final Responses to Questions Posted	7/14/2023
Proposals Due	8/4/2023, 4:00 pm Central Time
Evaluation of Proposals Completed	8/25/2023
Executive Committee Approval of Contracts	9/13/2023
Anticipated Start Date	10/1/2023

Notice

Prospective proposers who have received this document from a source other than the CAPCOG Area Agency on Aging (issuing office) should immediately contact the CAPCOG Area Agency on Aging and provide their name, company, and email address in order that addendum(s) to the RFP or other communication can be sent to them. Any prospective proposers who fail to provide the division with this information assume complete responsibility in the event they do not receive communications from the division after the RFP issue date.

Bidder's conference call: Wednesday, June 28, 2023, at 10:00 am Central Time (via Microsoft Teams)

E-mail Andrew Hoekzema at ahoekzema@capcog.org by 5 pm Monday, June 26, to register for the conference call. A video recording of the call will be posted on the RFP website.

Background

The Older Americans Act (OAA) established the primary vehicle for organizing and delivering community-based services through a coordinated system at the state level. Over time, more limited funding became targeted to particular populations identified as vulnerable, including individuals with multiple complex medical issues/challenges, older women, minorities, individuals residing in rural areas, and the growing number of oldest old individuals.

As the proportion of older individuals who have multiple complex medical issues/challenges has increased, the emphasis has shifted from community-based social services for a broad population (such as senior centers, volunteer programs, and recreational activities) to more health-related, long-term care services for older individuals who are at risk for institutionalization. The development of a community-based long-term care structure, a new concept in the 1980s for most communities, resulted in significant state and local planning and increased involvement of private and for-profit providers.

The Capital Area Council of Governments (CAPCOG) is designated by the State of Texas as the Area Agency on Aging of the Capital Area (AAACAP) to provide OAA planning and services in State Planning Region 12, which includes Bastrop, Blanco, Burnet, Caldwell, Fayette, Hays, Lee, Llano, Travis, and Williamson Counties.

CAPCOG is seeking to contract with eligible organizations to provide the following services for OAA target populations in the 10-county area:

- Provide congregate meals;
- Deliver meals to target populations; and/or
- Operate senior centers.

CAPCOG anticipates awarding multiple contracts through this request for proposals (RFP), depending on the services bidders are able to provide and the geographic area they able to serve. However, CAPCOG anticipates awarding a contract to only one vendor for a particular service for a particular geographic area. A "SUBRECIPIENT" as referred to in this RFP may be considered a "SUBRECIPIENT" for the purposes of state and federal regulations relating to OAA funds. Throughout this RFP, the term "SUBRECIPIENT" is equivalent to "Vendor."

Eligible Services

Proposals must include one or more of the following services:

- Congregate meal services;
- Home-delivered meal services;
- Senior center operations.

For the purposes of congregate meal services and home-delivered meal services, "meals" are defined as follows:

- **Standard meals:** regular meals from the standard menu that are served to the majority or all of the participants.
- **Therapeutic meals and liquid supplements:** special meals or liquid supplements that have been prescribed by a physician and planned specifically for the participant by a dietitian (e.g., diabetic diet, renal diet, pureed diet, tube feeding). "Liquid supplement" meals are included in the allowable category of therapeutic meals, such as diabetic, renal or heart safe meals. The AoA defines "liquid supplement" meals as those meals provided through a feeding tube to meet the needs of a specific individual. These meals require a doctor's prescription and close monitoring. Note that dietary supplements, such as vitamins or Ensure, can be authorized by a doctor,

Proposals due by email to ahoekzema@capcog.org no later than 4:00 pm, August 4, 2023

dietitian/nutritionist or the need may be identified through the nutritional risk assessment. These items do not require a prescription, nor do they necessarily require oversight. As items such as these are not considered meals (stand-alone).

Congregate Meal Services

A “congregate meal” is a hot or other appropriate meal served to an eligible older individual which meets 33.3% of the dietary reference intakes established by the Food and Nutrition Board of the Institute of Medicine of the National Academy of Sciences and complies with the most recent Dietary Guidelines for Americans, published by the Secretary of Agriculture, and which is served in a congregate setting. The objective is to reduce food insecurity and promote socialization of older adults.

The unit of service that will be used for congregate meals is one meal served.

This means that the SUBRECIPIENT for congregate meals will invoice CAPCOG based on the total number of meals served to eligible individuals within a month in a congregate setting, and CAPCOG will reimburse the SUBRECIPIENT based on a rate per meal delivered identified in its contract.

Home-Delivered Meal Services

Hot, cold, frozen, dried, canned, fresh, or supplemental food (with a satisfactory storage life) which provides a minimum of 33.3% of the dietary reference intakes established by the Food and Nutrition Board of the Institute of Medicine of the National Academy of Sciences and complies with the most recent Dietary Guidelines for Americans, published by the Secretary of Agriculture, and is delivered to an eligible participant in their place of residence. The objective is to reduce food insecurity, help the recipient sustain independent living in a safe and healthful environment.

The unit of service that will be used for home-delivered meals is one meal served.

This means that the SUBRECIPIENT for home-delivered meals will invoice CAPCOG based on the total number of meals served within a month delivered to eligible individuals at their place of residence, and CAPCOG will reimburse the SUBRECIPIENT based on a rate per meal delivered identified in its contract.

Senior Center Operations

The operation of community facilities where older individuals meet together to pursue mutual interests, receive services and/or take part in activities which will enhance their quality of life, support their independence, and encourage their continued involvement in and with the community.

There is no unit of service for senior center operations.

Ineligible Services

Proposals that do not encompass the full range of required activities, as identified by the HHSC’s Area Agency on Aging Policies and Procedures Manual.¹ Proposals for any service other than the three listed above will not be considered. Vendors may contact the Area Agency on Aging staff for services that are available through other procurement methodologies.

Eligible Organizations

A SUBRECIPIENT for these services must be one of the following types of organizations:

- A general-purpose unit of government;

¹ Available online at: <https://www.hhs.texas.gov/handbooks/area-agency-aging-policies-procedures-manual/chapter-f-title-iii-c-nutrition-services>

- A political sub-division of the state; or
- A chartered profit or non-profit corporation.

This generally precludes such clubs as Rotary, Lions or other such service organizations. A SUBRECIPIENT must have sufficient financial resources to provide “front-end” money to operate on a reimbursable basis. A three-month cash flow is recommended. CAPCOG is required to have approval from Texas Health and Human Services Commission (HHSC) to contract with a for profit corporation.

To be considered for funding, a SUBRECIPIENT must be an eligible organization and must be governed by a Board that represents the community served. The Board, if not otherwise covered in statutes, law, or regulations, must be composed of members pursuant to HHSC rules and regulations regarding contracts. The Board must function fully and effectively in its fiduciary role.

General Terms and Conditions for Subrecipients

Any requirements that apply to CAPCOG as a “subrecipient” in its contract with HHSC will flow down to contracts with any SUBRECIPIENT contract awarded under this contract

Match Requirements

OAA funds require at least a 10% match, either in cash, in-kind, or a combination of both. To match in-kind means the subrecipient agency must contribute, in a documentable way, goods or services, which can be ascribed a monetary value, equal to at least 10% of the project amount. Cash match can come from donations, third-party contributions, or any other non-federal source. Program income is not an allowable source of match. Program income is income derived from fees charged for services that are in turn supported by OAA funds. OAA funds should be utilized to leverage additional non-federal resources to augment federally-funded service availability and delivery.

At Risk Contracting

Contracts supported with these OAA and State General Revenue funds and let by CAPCOG will be based on a “unit rate” budget for congregate and home delivered meals. Additionally, nutrition contracts will be let on an “at risk” basis. “At risk” means the service provider is responsible for delivering service units at the unit rate in the contract negotiated with CAPCOG, regardless of the actual costs incurred for delivering that service. The exception to this is Senior Center Operations, which is a “cost reimbursement” contract.

Term of Contract

CAPCOG plans to award a two-year contract to each selected SUBRECIPIENT for a performance period of October 1, 2023, to September 30, 2025, with the option to renew for up to two additional 1-year periods.

Service Eligibility

The operation of all projects must be open to all individuals that qualify in terms of either age (i.e., at least 60) or qualifying by meeting other eligibility requirements (i.e., individual with a disability or spouse of an individual who is at least 60). Consistent with the requirements of the OAA, there must be special emphasis on targeting services to minority, low-income persons, rural residing, those with greatest social need or older individuals at risk for institutionalization.

Service Area

The CAPCOG service area spans 8,575 square miles and encompasses the following counties: Bastrop, Blanco, Burnet, Caldwell, Fayette, Hays, Lee, Llano, Travis and Williamson. CAPCOG will select the combination of SUBRECIPIENTS to award contracts to that will best meet the needs of the entire region, consistent with the OAA, the State of Texas's Health and Human Services Plan, and CAPCOG's Area Agency on Aging Area Plan.

- Proposals must include a specific proposed service area that lists all of the counties and cities (if an entire county in a particular county is not covered) within the CAPCOG region. For example:
 - A service area covering all of Travis and Williamson Counties should be described as: Travis County (whole) and Williamson County (whole)
 - A service area covering Travis County and the Williamson County portion of City of Austin should read: Travis County (whole) and Williamson County (City of Austin only)
- CAPCOG may select a SUBRECIPIENT to serve less the full service area within the region that it offers or to provide only selected services (i.e., perhaps just home-delivered meals rather than home-delivered meals and congregate meals if a potential SUBRECIPIENT offers both services), particularly if more than one proposal offers the same service for the same area.
- Proposals that specifically target a specified, underserved, consumer group within the targeting populations listed above may be considered, for example meal programs that provide specific culturally appropriate diets, such as Kosher or Asian Meals.

Service Population

In accordance with 42 U.S.C. §3026(a)(4)(B), the service population is individuals who are 60 years of age or older ("older individuals") who meet one or more of the following criteria:

1. Older individuals residing in rural areas;
2. Older individuals with the greatest economic need (with particular attention to low-income minority individuals and older individuals residing in rural areas);
 - a. Greatest economic need is defined as the need resulting from an income level at or below the poverty line.
 - b. The term "poverty line" means the official poverty line as defined by the Office of Management and Budget and adjusted by the Secretary in accordance with section 673(2) of OBRA-1981 or of the Community Services Block Grant Act (42 U.S.C. 9902(2)). The current poverty guidelines can be accessed at the following website:
<https://www.federalregister.gov/documents/2020/01/17/2020-00858/annual-update-of-the-hhs-poverty-guidelines>.
3. Older individuals who have the greatest social need (with particular attention to low-income minority individuals and older individuals residing in rural areas). Greatest social need is defined as the need caused by non-economic factors, which include:
 - a. physical and mental disabilities;
 - b. language barriers; and
 - c. cultural, social, or geographical isolation, including isolation caused by racial or ethnic status, that:
 - i. restricts the ability of an individual to perform normal daily tasks; or
 - ii. threatens the capacity of the individual to live independently.
4. Older individuals with severe disabilities.
 - a. The term "severe disabilities" means a severe, chronic disability attributable to mental or physical impairment, or a combination of mental and physical impairments, that is

Proposals due by email to ahoekzema@capcog.org no later than 4:00 pm, August 4, 2023

likely to continue indefinitely; and results in substantial functional limitation in three or more of the major life activities specified below:

- i. self-care;
 - ii. receptive and expressive language;
 - iii. learning;
 - iv. mobility;
 - v. self-direction;
 - vi. capacity for independent living;
 - vii. economic self-sufficiency;
 - viii. cognitive functioning; and
 - ix. emotional adjustment.
5. Older individuals with limited English proficiency
 6. Older individuals with Alzheimer’s Disease and related disorders with neurological and organic brain dysfunction (and the caretakers of such individuals)
 7. Older individuals at risk for institutional placement

A Request for Information Form is provided for any proposer who would like CAPCOG’s help with obtaining data out of the state’s data system for their respective service areas in the development of their proposal. The form may be downloaded from the CAPCOG website, and should be emailed to ahoekzema@capcog.org no later than 4:00 pm on June 30, 2023.

Method of Payment

Payment shall be made for services rendered and billed by the SUBRECIPIENT and received by CAPCOG on a cost reimbursement basis for senior center operations, and a fixed unit price performance basis for congregate and home delivered meals on a monthly basis.

Rules

Adopted rules for Older Americans Act Services: Nutrition and Senior Centers agencies can be accessed through the Secretary of State’s TAC viewer. [Title 40 Part 1 Chapter 85 Subchapter D](#)

An unofficial compilation of the Older Americans Act of 1965, as amended in 2006 (OAA), can be accessed through the following link: [Official Compilation of Older Americans Act](#)

Compliance rules for the OAA nutrition programs, including the Dietary Reference Intake (DRI), the Recommended Dietary Allowances (RDA), and the Dietary Guidelines for Americans (DGA) nutrition requirements, can be accessed through the following link:

<https://health.gov/our-work/food-nutrition/2015-2020-dietary-guidelines/guidelines/>

Authority of Issuing Agency

As the designated Area Agency on Aging of the Capital Area (AAACAP), the Capital Area Council of Governments (CAPCOG) is responsible for the development and implementation of an Area Plan. The Area Plan identifies levels of need, priority older individuals to be served, compliance with federal/state regulations, and strategies conforming to state initiatives. The services requested in this RFP are in accordance with the Area Plan for the Capital Area. The current area plan remains in effect until September 30, 2023, and a new area plan scheduled for approval by CAPCOG’s Executive Committee in July 2023, should go into effect October 1, 2023.

Older Americans Act Requirements Applicable to All Services and Service Providers

The following requirements must be met by any bidder who is awarded funds under Title III of the OAA.

Service Standards

The bidder must administer the program in accordance with the OAA and all applicable regulations, policies and procedures established by HHSC, the Administration on Aging, and the Secretary of Health and Human Services.

Compliance

Operation in conformance with all federal, state and local fire, health, safety, sanitation, and other standards prescribed in law or regulations, including equal opportunity/anti-discrimination legislation listed below. In addition, the assurance must be affirmed that where the state or local jurisdictions require licensure for the provision of services, agencies providing such services shall be licensed.

- Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion for Covered Contracts and Grants.
- Certification of Compliance with Child Support and Medical Support Enforcement.
- Completion of Affirmative Action Plan.
- Data Use Agreement and Information Security and Privacy Initial Inquiry (SPI)
- Standard Assurances, Older American Act, as amended.

Compliance – Anti-Discrimination

1. SUBRECIPIENT agrees to comply with state and federal anti-discrimination laws, including without limitation:
 - a. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d et seq.);
 - b. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794);
 - c. Americans with Disabilities Act of 1990 as amended (42 U.S.C. §12101 et seq.);
 - d. Age Discrimination Act of 1975 (42 U.S.C. §§6101-6107);
 - e. Title IX of the Education Amendments of 1972 (20 U.S.C. §§1681-1688);
 - f. Food and Nutrition Act of 2008 (7 U.S.C. §2011 et seq.); and
 - g. The HHS agency's administrative rules, as set forth in the Texas Administrative Code, to the extent applicable to this Agreement.
2. SUBRECIPIENT agrees to comply with all amendments to the above-referenced laws, and all requirements imposed by the regulations issued pursuant to these laws. These laws provide in part that no persons in the United States may, on the grounds of race, color, national origin, sex, sexual orientation (where applicable), limited English proficiency, age, disability, substance abuse, political beliefs, or religion, be excluded from participation in or denied any aid, care, service or other benefits provided by Federal or State funding, or otherwise be subjected to discrimination.
3. SUBRECIPIENT agrees to comply with Executive Order 13279, and its implementing regulations at 45 C.F.R. Part 87 or 7 C.F.R. Part 16. These provide in part that any organization that participates in programs funded by direct financial assistance from the United States Department of Agriculture or the United States Department of Health and Human Services shall not, in providing services, discriminate against a program beneficiary or prospective program beneficiary on the basis of religion or religious belief.

4. Upon request, SUBRECIPIENT will provide HHS's Civil Rights Office with copies of all of the SUBRECIPIENT'S civil rights policies and procedures.
5. SUBRECIPIENT must notify HHS's Civil Rights Office of any civil rights complaints received relating to its performance under this Agreement. This notice must be delivered no more than ten (10) calendar days after receipt of a complaint. Notice provided pursuant to this section must be directed to:

HHSC Civil Rights Office
701 W. 51st Street, Mail Code W206
Austin, Texas 78751
Phone Toll Free: (888) 388-6332
Phone: (512) 438-4313 Fax: (512) 438-5885
HHSCivilRightsOffice@hsc.state.tx.us

Confidentiality

In 2015, the Health and Human Services Enterprise, through the five (5) state agencies within its authority, issued a Data Use Agreement (DUA) to establish a clear and consistent process for safeguarding confidential information and for reporting and correcting any unauthorized use or disclosure of the confidential information. The DUA incorporates a variety of regulatory requirements under state and federal laws and is not limited to requirements for securing protected health information under the Health Insurance Portability and Accountability Act. SUBRECIPIENT will be required to sign the DUA and implement such regulations, standards, and procedures as are necessary to meet the requirements on safeguarding confidential information in accordance with the DUA.

Contributions for Services

Program income shall be administered in accordance with 40 TAC §85.201(l), 40 TAC §85.202 (j), Texas Grant Management Standards (TxGMS), and all applicable HHSC rules. All program income and participant contributions collected shall be used to further eligible program outcomes. All program income and participant contributions collected and expended shall be documented and managed according to HHS Rules and Regulations.

Targeting and Outreach

In accordance with 42 U.S.C. Section 3026, and as addressed in the Service Delivery/Operational Plan and approved, assure it will use reasonable outreach efforts to identify individuals eligible for assistance under this contract and inform them of available services under the OAA. Outreach efforts should be documented. (See the Section on Service Populations in this document)

Match Requirement

Provide a total match for services that is sufficient to meet the requirements of the OAA, as amended, Administration of Grants, Title 45 C.F.R. Part 75 and HHS rules. Match shall be in accordance with 40 TAC Part 1 Chapter 85 Subchapter C Rule §85.202 (i). Title III-C Nutrition Services and Senior Center Operations require a 10% match. All match contributions shall be expended for goods and services necessary for and specifically identifiable in the Service Delivery/Operational Plan.

Documentation and Reporting Requirements

Submission of all required fiscal and programmatic reports shall be made in accordance with the report

due dates established by CAPCOG. Maintain fiscal records to support reimbursement in conformity with the established procedures. All fiscal and programmatic reports shall continue to be due throughout the entire contract period even though no additional services may be reimbursable.

Submission of requests for funds on prescribed forms shall be made in accordance with CAPCOG rules and policies. The total of all program reports including the final program report shall support and be reconciled to all funds received during the contract period. Under no circumstances shall requests for funds be submitted later than October 31, for the previous fiscal year, or after the final program report is submitted unless indicated otherwise by a funding source.

Reporting Suspected Abuse

Report suspected cases of abuse, neglect and exploitation to the Texas Department of Family and Protective Services (DFPS) by calling 1-800-252-5400 or by filing a report using the secure DFPS website: <https://www.txabusehotline.org> according to the Human Resources code Chapter 48 (48.051). Information on abuse, neglect and exploitation can be found on the DFPS website: <https://www.dfps.state.tx.us>.

Participant Involvement

Establish procedures to obtain involvement of and comments from older participants. Conducting participant satisfaction surveys is required at least annually, in accordance with 40 TAC §85.201 (i).

Coordination with Other Resources

Agrees that HHSC/CAPCOG may establish procedures and mechanisms they find necessary to assure effective coordination between the various activities and programs operating pursuant to the OAA, as amended, and other local, state or federal programs operating on behalf of older persons.

Provision Against Subcontracting

Prior written approval from CAPCOG must be obtained to subcontract meal preparation and/or service delivery.

Appeal Procedures

Any applicant to provide services whose application is denied or whose contract is terminated or not renewed (except as provided in 45 CFR Part 75, Subpart C) has a right to appeal such action. The applicant shall give notice of appeal to CAPCOG within 10 days after it receives the action letter. Appeals Procedures adopted by CAPCOG and codified at 40 TAC §81.15 will be used as the appeals process.

Non-Performance Sanctions and Penalties

All contracts offered will include sanctions and penalties for not achieving specified performance measures and/or noncompliance with all applicable rules, regulations, service standards and laws (40 TAC 81.13).

Audit

SUBRECIPIENTS who receive combined federal funds in excess of \$750,000 per year must obtain audits from independent auditors which are in compliance with auditing standards set forth in 2 CFR PART 200—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR

CAPCOG REQUEST FOR PROPOSALS FOR OLDER AMERICANS ACT SERVICES, JUNE 10, 2023
REVISED 7/2/2023

FEDERAL AWARDS (“Uniform Guidance”), issued by the Office of Management and Budget, December 2014. Audits are due to the CAPCOG within the earlier of 30 calendar days after receipt of the auditor’s report(s), or no later than 9 months after the close of SUBRECIPIENT’s fiscal year (45 CFR Part 75, §75.507(4)(c).

In addition, SUBRECIPIENTS agree to permit the Capital Area Council of Governments, HHSC, the State Auditor’s Office, or an auditing entity acting on behalf of the CAPCOG, to conduct audits of the SUBRECIPIENT’s financial records and to obtain other records, documents, materials, and information deemed necessary by the CAPCOG to ascertain complete compliance with the provisions of the contract.

Letter of Intent

Eligible organizations that are interested in proposing are requested to submit a letter of intent to propose in order to ensure appropriate contact persons are added to the bidders list and can receive updates, addenda, or other communications, and to ensure adequate resources are allocated to review proposals. Letters of Intent (LOI) are requested to be submitted by email to Andrew Hoekzema at ahoekzema@capcog.org by 4:00 pm Central Time July 7, 2023.

Submission of Proposals

Proposals must be submitted by email to ahoekzema@capcog.org and received by CAPCOG no later than 4:00 p.m. Central Time, Friday, August 4, 2023. Please do not submit items that are not specifically requested by CAPCOG. Adding these items slows the review process as these items must be removed prior to review.

Proposals or related documents submitted after the deadline will not be accepted.

CAPCOG is not liable for any costs incurred by a proposer in preparing and submitting a proposal.

Updates and Additional Information

Updates and additional information related to this RFP may be obtained from the CAPCOG website, www.capcog.org, under “Doing Business with CAPCOG” on the Administrative Services page that you can get to from the “Division” drop down menu. Questions regarding this RFP may be emailed to Andrew Hoekzema at ahoekzema@capcog.org by 4:00 pm, on July 12, 2023. Responses will be posted as questions are received, with a final response to questions and any final revisions posted at <https://www.capcog.org/divisions/administrative-services#doing-business> by July 14, 2023.

Proposal Format and Content

This RFP may result in a cost reimbursement contract for senior center operations or a fixed unit price performance contract for congregate and home delivered meals.

Checklist

A complete proposal must include all of the following elements:

- Service Work Plan Cover Sheet
- Table of contents
- Environmental Overview Narrative (no more than 10 pages)
 - Organizational Structure (no more than 5 pages)
 - Community Assessment (no more than 5 pages)
- Service Work Plan Narrative/Narratives (no more than 6 pages for each service offered)

Proposals due by email to ahoekzema@capcog.org no later than 4:00 pm, August 4, 2023

- Financial Overview Narrative
- Attachments:
 - Organizational Chart
 - Job Descriptions of Key/Leadership Personnel
 - Completed Excel Workbook
 - Services Flow Chart
 - Board Resolution (can be submitted when contract is executed)
 - Signed Certification of Compliance with Small, Disadvantaged, Minority, Women-Owned, and Historically Underutilized Business Policy
 - Signed Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion for Lower-Tier Covered Transactions
 - Signed Certification Regarding Lobbying
 - Conflict of Interest Questionnaire (if applicable)
 - Certificate of Interested Parties Form – Form 1295 (to be completed online)
 - Data Use Agreement Attachment #1 – Procedure and Policy – HIPPA protocol and compliance

Note for Proposals Including Multiple Services

Respondents shall submit a separate Service Work Plan narrative for each proposed service and include appropriate information for each in the Excel workbook provided in the RFP package. There is no need to duplicate the Environmental or Financial Overview sections.

General Requirements

Extraneous materials will not be accepted. All proposals must follow CAPCOG's prescribed format. Inaccurate or incomplete proposals will not be considered.

Pages should be numbered and contain an organized, paginated table of contents corresponding to the sections and pages of the RFP. RFP information can be found on the CAPCOG website, <https://www.capcog.org/divisions/administrative-services#doing-business>.

All proposals must be:

- clearly legible;
- sequentially page-numbered and include the respondent's name at the top of each page;
- responsive to all RFP requirements;
- formatted for 8½ by 11" paper;
- in font size 11 or 12 for body text and no less than 10 for tables, graphs and appendices; and
- meet the page limitations described in herein.

Service work plan cover sheet

Complete all items on the Service Work Plan Cover Sheet and have an authorized official of the organization sign on the line indicated.

Environmental Overview

1. **Organizational Structure** – Not to exceed five (5) pages describing the following items:
 - a. The location of the organization's administrative office.

- b. A brief historical description of the agency including enabling state and federal statutes, date created, and significant events.
 - c. The relationship of the project or program to the sponsoring/parent organization.
 - d. An organizational chart showing agency departments, size and composition of agency workforce. This should focus primarily on the department/division that will directly provide Title III services. This chart should be submitted with the other required "hard copy" items and is not included in the 5-page count.
 - e. Job descriptions for key personnel positions that will be directly involved with the management, contract compliance, and oversight for the provision of Title III OAA services. Job descriptions should be submitted with the other required "hard copy" items and are not included in the 5-page count.
 - f. The role of the governing board or advisory council.
 - g. List the title and functions performed by personnel who have left their positions within the last 12 months.
 - h. The key service populations' involvement with the organization and how they are involved.
 - i. Organizational philosophy and focus on the provision of outstanding customer service, the personal touch ("live voice"), quick response, and coordination of requests for assistance internally.
 - j. Use of trained volunteers in the provision of service delivery and other activities.
 - k. Qualifications, experience and knowledge of the organization and staff related to the specific service to the target population.
 - l. Plans to coordinate activities and develop long-range emergency preparedness plans with local and State emergency response agencies, relief organizations, local and State governments, and any other institutions that have responsibility for disaster relief service delivery.
 - m. Identify barriers to service provision and
 - n. identify the organization's plan to reduce consumers who are waiting on an interest list.
2. **Community Assessment:** Population Demographics, Trends, Economic Variables, gap analysis. Not to exceed five (5) pages.
- a. Describe the service area's population and economic conditions that impact the organization and this population. Population characteristics should include, but are not limited to total population, age distribution, geographic distribution, racial composition, education, political and cultural climate and any unique service area needs.
 - i. For most basic demographic and economic data, use and cite specific tables from the latest release of the U.S. Census Bureau's American Community Survey (ACS) for the service area/service areas (<https://data.census.gov/>). For example, if you cite a statistic from the ACS on poverty status by age, include a footnote saying "U.S. Census Bureau. 2021 American Community Survey (ACS) 1- Year Estimates Detailed Tables: Table B17001: Poverty Status in the Past 12 Months by Sex by Age."
 - ii. Also include an analysis of the projected population of older individuals (60+) within the service area using the population projections released in 2022 from the Texas State Demographic Center available online at: <https://demographics.texas.gov/Data/TPEPP/Projections/>.
 - b. Identify short and long term trends and their impact on the service population. The reauthorization of the OAA added language regarding how prepared service providers are in the planning for any anticipated change in the number of older individuals during the ten-year period following the fiscal year for which the plan is submitted. This assessment will include:
 - i. the projected change in the number of older individuals in the planning and service area;

- ii. an analysis of how such change may affect such individuals, including individuals with low incomes, individuals with greatest economic need, minority older individuals, older individuals residing in rural areas, and older individuals with limited English proficiency;
 - iii. an analysis of how the programs, policies, and services provided by the organization can be improved, and how resource levels can be adjusted to meet the needs of the changing population of older individuals in the planning and service area; and
 - iv. an analysis of how the change in the number of individuals age 60 and older in the planning and service area is expected to affect the need for supportive services
- c. Identify service gaps and the providers plan to address them.

Service Work Plan Narrative

Complete a description (not to exceed 6 pages):

1. Coordination of the service delivery system in a manner responsive to the needs and preferences of older individuals, their family members and/or other caregivers including.
2. Capacity to provide services to targeted populations, including methods used to target required service populations.
3. Public awareness activities and outreach.
4. Targeted population's access to services, service authorization and service provision. Complete a flow chart that includes client access, eligibility determination, service delivery, and reassessment processes (if applicable). This chart should be submitted with the other required "hard copy" items and is not counted in the 6 page section limit. (See Attachments for an example).
5. Policies and procedures for handling and reducing waiting lists.
6. Efforts to develop efficiencies resulting in cost savings to the service. Include future efforts being coordinated for project efficiencies if applicable.
7. Process of soliciting voluntary consumer contributions, collection, documenting, financial reporting, and ensuring the absence of theft for each service if the process is different by service.
8. Measurement of the quality of services and the service satisfaction of participants.
9. Process for quality improvement based upon information received from participants.
10. Procedures for compliance with applicable provisions of federal, state, local fire, health, sanitation and safety laws and regulations related to the provision of proposed services
11. Accessibility to services for participants with severe disabilities. Include in your description transportation/mobility options available.
12. Coordination with other service providers within the area.
13. The process by which priority service delivery will be given to clients referred by CAPCOG's Aging Division staff.
14. Policies and procedures to ensure the accuracy of all program and fiscal information reported to CAPCOG.
15. Policies and procedures to ensure the confidentiality of a participant's personally identifiable information and Data Use Agreement (DUA) Compliance. Submit DUA Attachments and the agencies policies for maintaining compliance. The documents are submitted as attachments and do not count in the six (6) page section limit.
16. The process by which training is provided to the project staff and/or volunteers that ensures OAA and TAC compliance.
17. Current policies and procedures to make services available in the event of a natural or man-made disaster; emergency preparedness.
18. For nutrition services only: the plan and process for participant education.

Proposals due by email to ahoekzema@capcog.org no later than 4:00 pm, August 4, 2023

19. For nutrition services only: the process of menu development.
20. For nutrition services only: Accommodation of participants with special, individualized dietary needs.
21. For nutrition services only: Organization's progress to fully comply with the mandatory implementation of the 2005 Dietary Guidelines for Americans.

Financial Plan Narrative

Complete a description (not to exceed 3 pages).

Fully describe in narrative form and complete the indicated charts and/or spreadsheets, for each of your proposed projects in terms of the following subject areas. If the subject does not apply to your proposed project, indicate by entering "NA." Do not leave blank. Please be aware as you complete the information that there may be Texas Administrative Code and/or Older Americans Act requirements that apply to these subject areas.

1. Method of fiscal management, including methods used to project budget, track funding and performance by Federal Award CFDA number.
2. Strategies to develop resources to reduce reliance on Older Americans Act funds.
3. Agency's financial strengths/weaknesses and capital improvement needs.
4. Complete Proposed Service Costs and Anticipated Resources by Service spreadsheets within the provided Excel Service Plan Workbook. Complete the information for FY 2024 (October 1, 2023-September 30, 2024), and FY 2025 (October 1, 2024 – September 30, 2025). If the subject does not apply to your proposed project, indicate by entering "NA." These are your projections for what you expect to occur in the programs for the year covered by this quote. The proposed service cost shall include those reasonable and necessary expenses that reflect the activity of the provider and are directly related to the provision of the service. Do not include in-kind donations of goods or service.

Service work plan spreadsheet

Proposals need to include a copy of a service plan worksheet, a template of which is posted on the RFP page.

- Use the Service Delivery Plan topic tab to outline the services your project proposes to provide; the specific geographic areas services will cover, and any service delivery limitations for that area.
- Use the relevant topic tabs to specify service locations and details: days and hours of operation, locations of Senior Center Locations and Congregate meal preparation sites.
- Use the Projected Unduplicated Clients tab and enter projected unduplicated clients to be served for each service and each target population for FY2024 and FY2025.
- Use the Staff Allocations tab and list all agency staff (those who will work on this service delivery project) and their primary activities and the percent of time staff will work on the activities. (See Attachments for an example).

Required Certifications

Five (5) certification forms are required for this project. Four are to be completed and submitted to CAPCOG electronically via email as part of the application. These four forms are provided as attachments to this RFP.

1. Certification of Compliance with Small, Disadvantaged, Minority, Women-Owned, And Historically Underutilized Business Policy;

Proposals due by email to ahoekzema@capcog.org no later than 4:00 pm, August 4, 2023

2. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion for Lower-Tier Covered Transactions;
3. Certification Regarding Lobbying; and
4. Conflict of Interest Questionnaire (IF APPLICABLE) - Chapter 176 of the Texas Local Government Code requires vendors and consultants contracting or seeking to contract with CAPCOG to file a conflict-of-interest questionnaire (CIQ) if they have an employment or other business relationship with an CAPCOG officer or an officer's close family member.

The fifth form must be completed online: Certificate of Interested Parties Form – Form 1295 (Sample provided). Texas law states that a governmental entity or state agency may not enter certain contracts with a business entity unless the business entity submits a disclosure of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency. The required form and instructions are located at the Texas Ethics Commission Website.

Other attachments

Proposals also need to include the following attachments:

- Organizational Chart
- Job Descriptions of Key/Leadership Personnel
- Services Flow Chart (see RFP page for an example)
- Board Resolution (can be submitted when contract is executed)
- Data Use Agreement Attachment #1 – Procedure and Policy – HIPPA protocol and compliance (see RFP page)

Selection Process

Evaluation criteria are established to assess which proposal, if any, represents the best plan of service (quality, service area, quantity). Individual proposals will be evaluated by a Selection Committee representing CAPCOG Staff, and Chair or appropriate members of the CAPCOG Aging Advisory Council.

The Selection Committee will evaluate proposals according to the following:

1. **Environmental Overview (30 points)**
 - a. **Organizational Structure (20 points)** – The potential SUBRECIPIENT has provided a clear description of the organization's history, governance, philosophy, staffing, management, qualifications, experience and knowledge related to the specific service and target population.
 - b. **Community Assessment (10 points)** – The potential SUBRECIPIENT has provided a clear description of the population demographics, trends and economic variables in the area to be served, and gap analysis for the service(s) the SUBRECIPIENT is proposing to provide.
2. **Service Work Plan (40 points)** – The potential SUBRECIPIENT has provided a clear proposal, which addresses the requirements of this solicitation. The methodology described by the potential SUBRECIPIENT to accomplish the requirements of this project, demonstrates the potential to achieve the provision of service to the target populations in an efficient and effective manner. The potential SUBRECIPIENT has described the availability of resources to accomplish the Service Work Plan and to address the service needs within the entire county (counties), as is strongly preferred.

3. **Financial Overview (30 points)** – The potential SUBRECIPIENT has proposed overall cost effectiveness, which includes reasonable total program cost with regards to proposed activities and services, Title III percentage of the total resources proposed for the budget, and projections of units and persons.

A total score of 100 points is possible for each proposal. A score of less than 70 percent will not meet the selection criteria and the proposal will not be considered for the award. Selection is subject to CAPCOG's Executive Director and CAPCOG Executive Committee's approval.

Attachments to this RFP

The following attachments are included in this RFP.

1. Sample Contract
2. Service Work Plan Worksheet
3. A Request for Information Form
4. Sample Services Flow Chart
5. Sample Board Resolution
6. DUA Documents, Procedure and Policy –HIPPA protocol and compliance
7. Rate-setting worksheet
 - a. Nutrition (use for congregate and home-delivered meals, disregard participant assessment and transportation tabs)
 - b. Senior Centers
8. Rate-setting worksheet instructions
9. Certifications Forms:
 - a. Certification of Compliance with Small, Disadvantaged, Minority, Women-Owned, And Historically Underutilized Business Policy;
 - b. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion for Lower-Tier Covered Transactions;
 - c. Certification Regarding Lobbying; and
 - d. Conflict of Interest Questionnaire (IF APPLICABLE) - Chapter 176 of the Texas Local Government Code requires vendors and consultants contracting or seeking to contract with CAPCOG to file a conflict-of-interest questionnaire (CIQ) if they have an employment or other business relationship with an CAPCOG officer or an officer's close family member.

Additional Information

CAPCOG may request in writing additional information from a proposer relating to the proposal and the proposer agrees to furnish it within a reasonable time.

Use of Copyrighted Material in Proposal

CAPCOG reserves an irrevocable, nonexclusive, and royalty-free right to use, reproduce, and copy, for a governmental purpose, all copyrighted material included in the proposal.

Amendment or Withdrawal of Proposal

Except as provided in the next paragraph, a vendor/contractor may not withdraw or cancel the proposal, without the written permission of CAPCOG, for a period of 90 calendar days following the due date for proposals.

A vendor/contractor may withdraw the proposal if there is a material mistake in the proposal and resubmit the proposal with the mistake corrected before the due date for proposals. CAPCOG may waive an error in or omission from a proposal if the error or omission is not material. CAPCOG may also seek written clarification about the proposal if necessary.

Award of Contract

The proposal shall include such additional information as is reasonably required. CAPCOG reserves the right to conduct pre-contract negotiations with any and/or all potential vendors/contractors.

CAPCOG will select the proposal which, in its sole discretion, it considers most favorable to CAPCOG's interests. In deciding which proposal to select, CAPCOG will consider the results of the demonstrations and the cost as outlined in the Price Plan. Any contract resulting from this request shall be awarded to the applicant whose product most closely meets the needs of CAPCOG and its member jurisdictions. However, CAPCOG further reserves the right to reject all proposals and seek new proposals when such procedure is reasonably in the best interest of CAPCOG. Similarly, CAPCOG reserves the right to recall all or part of this Request for Proposals.

A proposer selected as a result of this solicitation may be subject to a criminal background check as a condition to entering into a contract.

Rate-Setting Process

Reimbursable rates are ultimately subject to HHSC rules and regulations, and any contract awarded under this RFP will need to have a corresponding rate-setting worksheet that CAPCOG submits to HHSC. A copy of the worksheet and HHSC's instructions are available under the RFP section of CAPCOG's website. Proposals do not require to include this spreadsheet, but it would be beneficial to all parties if a bidder uses the spreadsheet to calculate the data that will go into the service plan worksheet.

Resolution of Protested Solicitation or Contract Award

An unsuccessful bidder/offeror/quoter may protest the procurement process by following the procedure as available on the CAPCOG website, <https://www.capcog.org/divisions/administrative-services#doing-business>. The protest must be made within **five** business days of the date the basis of the protest to the procurement process became known or should have become known to the protester, whichever is earlier. The protest must be submitted in writing to CAPCOG, to the attention of the contact person, and identify and be signed by the protester. A protest shall be submitted to CAPCOG to the attention of Betty Voights, Executive Director, at 6800 Burlinson Road, Building 310, Suite 165, Austin, TX 78744.

Potential Changes in Contracts Post-Award

Changes in state and/or federal legislation, rules, or regulations may result in a requirement to renegotiate contracts at any time prior to or during the contract period. Substantive changes to project content, procedures or budgets during the life of the contract may be accomplished by negotiating these modifications with CAPCOG. CAPCOG will also pursue any necessary and appropriate contract

modifications should legal or other changes occur in the project to sufficiently alter the original terms of the contract. No further solicitations or proposals will be required in such cases.

Reference Information - Other contractual requirements

Section 1.113 CAPCOG Procurement Policies: Public Access to Procurement Information

Procurement information shall be a public record to the extent provided by the Texas Public Information Act and the Freedom of Information Act, as applicable, and shall be available to the public as provided therein. If a proposal contains information that the bidder considers proprietary and does not want to disclosed to the public or used for any other purpose than the evaluation of the offer, all such information must be indicated and clearly marked on the page of the proprietary or confidential document(s).

The information submitted during the procurement process is protected from disclosure until the contract is awarded. All proposals are open for public inspection after the contract is awarded, but proprietary and confidential information in the proposals are not open for public inspection.

Equal Opportunity/Non-Discrimination

All contracts awarded by CAPCOG are subject to the provisions listed below.

1. The SUBRECIPIENT will not discriminate against any employee or applicant for employment because of race, color, sex, religion, national origin, age or disability. The SUBRECIPIENT will take action to ensure that employees or applicants for employment are treated fairly during employment or the application process, regardless of race, color, sex, religion, national origin, age, or disability. The SUBRECIPIENT agrees to post in conspicuous places available to employees and applicants for employment notices (provided by an appropriate agency) of federal government nondiscrimination provisions.
2. The SUBRECIPIENT will state, in all solicitations or advertisements for employment (by or on behalf of the SUBRECIPIENT), that all qualified applicants will receive consideration for employment regardless of race, color, sex, religion, national origin, age, or disability.

Small, Disadvantaged, Minority, Women-Owned and Historically Underutilized Businesses: Federal Assistance or Contract Procurement Requirements

PART A: POLICIES

6-101 Policy Statement:

It shall be the policy of CAPCOG to assist small, DBE, MBE, women-owned businesses and HUBs in learning how to do business with CAPCOG. It shall be the further policy of CAPCOG that these sources shall have the maximum feasible opportunity to compete.

6-102 Bidder/Offeror Statement:

Every solicitation for procurement must require that each bidder or offer or include a statement that the bidder or offeror will comply with this policy.

6-103 To ensure that CAPCOG's policy to assure that small, MBEs, DBEs, women-owned businesses, and HUBs are utilized, CAPCOG and its SUBRECIPIENTS should take the following affirmative steps:

1. Include qualified small, MBEs, DBEs, women-owned businesses, and HUBs on the Bidders' List. State lists may be utilized to locate such businesses by contacting the Texas Building and Procurement Commission;
2. Assure that small, MBEs, DBEs, women-owned businesses, and HUBs are solicited whenever they may be potential sources. In this regard, CAPCOG should investigate new sources and advertise when feasible in minority publications;
3. When economically feasible, and where not in contravention of competitive bidding requirements, CAPCOG should divide the total requirements into smaller tasks or quantities so as to permit maximum small, MBE, DBE, women-owned businesses and HUB participation;
4. Use the services and assistance of the Small Business Administration, the Office of Minority Business Enterprise of the Department of Commerce, the Minority Business Development Agency in the Department of Labor, the Texas Building and Procurement Commission and other similar agencies for locating such businesses;
5. Require that prime SUBRECIPIENTS take affirmative and meaningful steps towards retaining small, MBE, DBE, women-owned businesses and HUB SUBRECIPIENTS; 1. Procure goods and services from labor surplus areas;
6. If feasible, establish delivery schedules that encourage small, MBEs, DBEs, women-owned businesses, and HUBs to participate; and,
7. Advertise, at least annually, in a newspaper of general circulation for small, MBEs, DBEs, women-owned businesses and HUBs to be added to the Bidders' List.

6-104 For such affirmative steps to be meaningful, CAPCOG should review all solicitations, offers and bids to confirm that such affirmative action steps have been taken. In addition, steps should be taken to ensure that once a contract is awarded to a small, MBE, DBE, women-owned business, and/or HUB, or that the award is given to a SUBRECIPIENT with such a SUBRECIPIENT, that such business is retained during the entire performance of the contract.

6-105 Failure of a SUBRECIPIENT to take meaningful affirmative steps at soliciting and retaining small, MBEs, DBEs, women-owned businesses and HUBs may be considered as a factor in evaluating future bids under non-compliance with public policies; however, this factor may not be a consideration in procurements involving purely state or local funds as Texas law requires awards to be made to the lowest responsible bidder.

6-106 For procurements costing more than \$3,000 but less than \$50,000, the Purchasing Agent shall contact at least two HUBs on a rotating basis.

Conflict of Interest Questionnaire

Part A: STANDARD OF CONDUCT

1. Chapter 176 of the Texas Local Government Code requires a current or prospective vendor or SUBRECIPIENT of CAPCOG to complete and file a Conflict of Interest Questionnaire to disclose whether the vendor or SUBRECIPIENT has an employment or business relationship with a member of CAPCOG's Executive Committee, its Executive Director, or with a Department Director. The completed Questionnaire must be delivered to CAPCOG's Administrative Coordinator, who serves as its Records Administrator, not later than the seventh business day after the vendor or SUBRECIPIENT becomes aware of facts that require filing the Questionnaire.

Proposals due by email to ahoekzema@capcog.org no later than 4:00 pm, August 4, 2023

CAPCOG REQUEST FOR PROPOSALS FOR OLDER AMERICANS ACT SERVICES, JUNE 10, 2023
REVISED 7/2/2023

The Questionnaire form, which describes the filing requirements of chapter 176, is available on the website of the Texas Ethics Commission, www.ethics.state.tx.us and the names of the members of CAPCOG's Executive Committee, its Executive Director and Department Directors are available on CAPCOG's website, www.capcog.org.

2. The Texas Ethics Commission's legal department will answer questions about chapter 176 and the Questionnaire toll-free at 800-325-8506. Please do not contact a CAPCOG employee with a question because he or she is not authorized to answer it.

Certification with Regard to Boycotting Israel

If Respondent is required to make a certification pursuant to Section 2270.002 of the Texas Government Code, Respondent certifies that Respondent does not boycott Israel and will not boycott Israel during the term of the contract resulting from this solicitation. If Respondent does not make that certification, Respondent must indicate that in its Response and state why the certification is not required.

Disclosure of Interested Parties (Form 1295)

In 2015, the Texas Legislature adopted House Bill 1295, which added section 2252.908 of the Government Code. The law states that a governmental entity or state agency may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties (Form 1295) to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency. The Texas Ethics Commission has adopted rules requiring the business entity to file Form 1295 electronically with the Commission.

An award from this RFP may require filing of Form 1295. CAPCOG will work with the SUBRECIPIENT after award to ensure proper filing.